



**NORTH DAKOTA
STATE BOARD OF CHIROPRACTIC EXAMINERS**

**Minutes of the Conference Call Board Meeting of the North Dakota State Board
of Chiropractic Examiners held November 15, 2017.**

Call to Order: Dr. Michael Remmick called the meeting to order at 12:31 PM CST.

Roll Call: Those present included, Dr. Michael Remmick, Dr. Dion Ficek, Dr. Eric Froehling, Dr. Steven Pederson, Dr. Kent Yohe, Assistant Attorney General Mr. Edward Erickson, and Executive Director Lisa Blanchard. **Public:** Dr. Amanda Zakeri

Reading of the Mission Statement: Dr. Remmick read the Mission Statement of the Board of Examiners to open the meeting.

Opening Remarks: Dr. Remmick asked if there were any other public members listening in on the meeting - no. Dr. Remmick asked if any recordings of the meeting were being made - no. Dr. Remmick reminded the board members that during discussions, the complainants in cases should not be identified.

Agenda: A motion was made by Dr. Pederson, second by Dr. Ficek, to add the question regarding CCCA duties to the agenda. Motion passed.

For optimal time purposes, Dr. Remmick did not follow the order of the proposed agenda. These minutes reflect the order of the agenda items discussed during the meeting.

Jurisprudence Exam. The questions have been provided to Albertson's and are currently with the developer. The Executive Director expects that she will have a meeting the following week. All members received and reviewed the presented examination questions and provided their feedback to the Executive Director. Information only.

CCCA Question. The Executive Director received an email asking questions regarding whether or not the CCCA certification is required for certain duties. A motion was made by Dr. Froehling, second by Dr. Yohe, that the certification is required for individuals that assist with patient encounters that are directly related to care. Motion passed. The Executive Director will inform the license holder.

Freedom Chiropractic (Dr. Schmitz). Pending Mr. Erickson. Information only.

Dr. Blackwood. Pending Mr. Erickson. Information only.

Dr. Yohe. The signed conditional dismissal and fee have been received. A motion was made by Dr. Ficek, second by Dr. Pederson, to close the case. Motion passed.

Dr. Galt. The response from Dr. Galt has been received. Additionally, upon the request of a board member, an informational response from NWSU College of Oriental Medicine that included the

current Clean Needle standards was received. A motion was made by Dr. Ficek, second by Dr. Yohe, to inform Dr. Galt of the current standards and advise him to discontinue his use of reusable needles and adopt the current standards in his practice. The website link for this manual will be included in the letter. Motion passed.

Dr. Sauer. The response regarding his seminar script was received, including a link to a YouTube video of a recent seminar. The original complaint was for advertising free. A motion was made by Dr. Pederson, second by Dr. Yohe, to offer Dr. Sauer a conditional dismissal, for the free advertising violation, to include a \$500.00 fee and the successful completion of the online Jurisprudence Examination when it is available. A roll call vote was taken with all members voting in the affirmative. Motion passed.

Dr. Wiseth. Mr. Erickson has completed and mailed the settlement agreement regarding the action taken in MN. The Board received a notification of a possible advertising violation on Dr. Wiseth's clinic website. A motion was made by Dr. Ficek, second by Dr. Froehling, to send a letter to Dr. Wiseth asking him to respond. Motion passed.

Dr. N. Weiss. The second report from Affiliated Monitors was received. All members agreed it was very thorough. Improvement in some areas is noted, while there are still some concerns. The Board instructed the Executive Director to draft a letter to Affiliated Monitors indicating that the Board would like to continue with another review. Instruction only, no actions taken.

HealthSource Advertisement. The Board received a complaint regarding an advertisement on Facebook for HealthSource Bismarck. The advertisement appeared to be a corporate promotion and the Executive Director checked the other HealthSource clinics in ND to see if they were participating. HealthSource of Bismarck South also participated, but made some edits to a post. The Executive Director contacted the ED from South Dakota as there was a disclaimer regarding SD on the advertisement. The South Dakota Board had discussions with corporate HealthSource regarding the laws and rules in SD and therefore this disclaimer was included as these promotions violated the SD rules. A motion was made by Dr. Pederson, second by Dr. Yohe, to offer a conditional dismissal to HealthSource Bismarck South to include a \$500.00 fee and the successful completion of the online Jurisprudence Examination when it is available. A roll call vote was taken with all members voting in the affirmative. Motion passed. A motion was made by Dr. Froehling, second by Dr. Ficek, to offer HealthSource Bismarck a conditional dismissal to include a \$1,000.00 fee as this is the 2nd offense and the successful completion of the online Jurisprudence Examination when it is available. A roll call vote was taken with all members voting in the affirmative. Motion passed. Last, a motion was made by Dr. Ficek, second by Dr. Yohe, to draft a letter to corporate HealthSource to include a copy of our laws and rules for their information and that they must include a ND disclaimer, like the SD disclaimer, if a promotion will violate our statutes. Motion passed.

Concussion Assessment/Return to Play. A license holder contacted the Board office regarding N.D.C.C. 15.1-18.2. The Athletic Director of his school informed him that chiropractors were not allowed to perform concussion assessments and make return to play decisions due to this law. This law does not state that chiropractors are excluded, but it does allow for a school or school district to designate a specific provider for concussion management. Confusion, due to the NDHSAA regarding sports physicals, may have been a factor in this AD's comments. A motion was made by Dr. Yohe, second by Dr. Ficek, to have the Executive Director notify the license holder that concussion management is part of the scope of practice, but also share the information regarding the designated provider. Motion passed.

Mailing List/Open Records Requests/FOIA request. An organization asked about purchasing a mailing list, if available, and the information included. In addition to the information included on the Board's mailing list, they were interested in phone numbers and birthdates of the license holders. Mr. Erickson provided the link to the open records requests and what information is private. Information only, will be shared with the requestor.

New Dr. Seminar Attendance Requirement. A previous license holder, interested in reinstating his license, questioned his requirement to attend the seminar as he is out-of-state, and it is a long distance drive to Bismarck. Our requirement states 1-year from licensure or 1-year from start of practice. Therefore, the individual would have 1-year from the start of practice, even if he does not establish a practice in ND. Clarification only.

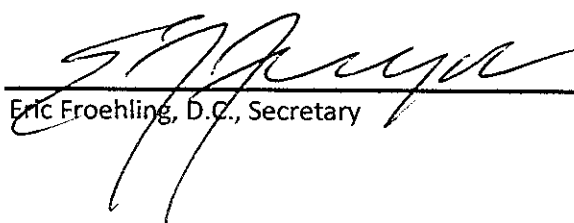
Disciplinary Review Alternative. Dr. Deutsch responded to the Board's letter with questions. Due to time, Dr. Remmick asked the board members if they are comfortable with him and the Executive Director responding to Dr. Deutsch's letter. All members were ok with that. Also, information from KMC University was received.


Unlicensed Chiropractor/Stem Cell Institute of America. Mr. Erickson updated the Board on the communications he's received, and the actions being taken. Multiple agencies are involved. As this individual does not hold a ND license, he is not under the jurisdiction of this board. Information only.

The next scheduled meeting is December 20, 2017.

Adjourn: A motion was made by Dr. Pederson, second by Dr. Froehling, to adjourn the meeting. Motion passed. The conference call ended at 2:01 PM CST.

These minutes were prepared by Lisa Blanchard, Executive Director, for signature by Dr. Eric Froehling, Secretary.


Eric Froehling, D.C., Secretary


Date